

### **REMARKS/ARGUMENTS**

In view of the foregoing amendments and the following remarks, the applicant respectfully submits that the pending claims are not anticipated under 35 U.S.C. § 102. Accordingly, it is believed that this application is in condition for allowance. **If, however, the Examiner believes that there are any unresolved issues, or believes that some or all of the claims are not in condition for allowance, the applicant respectfully requests that the Examiner contact the undersigned to schedule a telephone Examiner Interview before any further actions on the merits.**

The applicant will now address each of the issues raised in the outstanding Office Action.

### **Rejections under 35 U.S.C. § 102**

Claims 1-6 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,549,653 ("the Osawa patent"). The applicant respectfully requests that the Examiner reconsider and withdraw this ground of rejection in view of the following.

Claim 1 has been amended to clarify that an object is sensed under sensing illumination light, which is distinguished from observation illumination light. In the Examiner's response to arguments, he indicated that although he agrees that claim 1 recites that the "color chip sensing data obtained by sensing the color chip with an input device under observation illumination light," he contends (i) that there is no other light source present

in the claimed system, and (ii) that illumination A of Figure 1 in the Osawa patent is considered to be the observation illumination.

Claim 1 has been amended to clarify that the tristimulus value calculation means is for calculating tristimulus values under **observation illumination light** corresponding to a spectral reflectance of an object **which is sensed under sensing illumination light**. The Osawa patent does not teach this feature. Accordingly, claim 1, as amended, is not anticipated by the Osawa patent for at least this reason. Since claims 2-6 depend from claim 1, they are similarly not anticipated by the Osawa patent.

#### **Entry of Amendment After Final**

The applicant respectfully requests that the amendment to claim 1 be entered since it does not raise any new issues and since it places this application into condition for allowance. Specifically, the fact that in the invention of claim 1, the object is sensed under sensing illumination light, which is distinguished from observation illumination light, was discussed in the previous amendment. More specifically, the previous amendment stated, in pertinent part:

Claim 1 recites the calculation of the tristimulus value of the object **under observation illumination light** when the spectrum data of the observation illumination light, which is required for the calculation of the tristimulus value after the spectral reflectance data of the

object is calculated, cannot be measured. That is, it discloses a structure which displays an image of an object taken under a sensing illumination light as if the object were under an observation illumination light. It does so by calculating the tristimulus value using the signal of the color chip (whose spectral reflectance data is already-known) shot by the input device (whose spectral sensitivity data is already-known) under the observation illumination light.

On the other hand, the Osawa patent discloses calculation of spectral reflectance data of an object by using color chip sensing data obtained by sensing a color chip under **the same illumination light as that used when shooting the object.** (See, e.g., Figures 1 and 8, elements 2 and 3 under illumination A.) Even in an embodiment showing the object and the reference chart having separate illumination (See, e.g., Figure 12.), the illumination of the reference chart is not an observation illumination light (i.e., the light under which the displayed image is observed). The Osawa patent describes that the spectral reflectance data of an object can be obtained by using a shooting signal of a color chip whose spectral reflectance data is already known, even in the case where spectral sensitivity data and spectrum data of sensing illumination light of the input device to shoot an object is not known. In the Osawa patent, a tristimulus value is calculated by performing wavelength integration -- that is, by multiplying the spectral reflectance data of the object by the spectrum data of the sensing illumination light obtained by some

measurement and predetermined color matching function data.

However, this does not teach the claimed "tristimulus value calculation means [that] calculates the tristimulus value by using spectral reflectance data of a color chip formed from a plurality of unit color chips and color chip sensing data obtained by sensing the color chip with an input device **under observation illumination light**."

(Emphasis added.) That is, with the invention of claim 1, the tristimulus value is determined from a color chip as illuminated by a observation illumination light, not as illuminated by an subject object illumination light or some other illumination. Accordingly, claim 1 is not anticipated by the Osawa patent for at least this reason. Since each of claims 2, 3, 5 and 6 depends from claim 1, these claims are similarly not anticipated by the Osawa patent.

On page 2 of Paper No. 20040106, the Examiner seems to appreciate this difference, but contends that the system recited in claim 1 recites no light source other than the observation illumination light source. Claim 1, as amended, clarifies that the object is sensed under a "sensing illumination", which is distinguished from an observation illumination.


Since the amendment to claim 1 raises no new issues and places this application into condition for allowance, the applicant respectfully requests that the Examiner enter it.

**Conclusion**

In view of the foregoing amendments and remarks, the applicant respectfully submits that the pending claims are in condition for allowance. Accordingly, the applicant requests that the Examiner pass this application to issue.


Respectfully submitted,

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**CERTIFICATE OF MAILING under 37 C.F.R. 1.8(a)**

I hereby certify that this correspondence is being deposited on **April 8, 2005** with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

  
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